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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

THE UNITED STATES OF AMERICA,

Plaintiff and Counter-Defendant,

and

THE WAYNE COUNTY DEPARTMENT OF HEALTH,  
AIR POLLUTION CONTROL DIVISION,

Plaintiff,

v.

THE STATE OF MICHIGAN,

Defendant, Counter-Plaintiff and  
Cross-Plaintiff,

v.

THE CITY OF DETROIT, a municipal  
corporation, and THE DETROIT WATER  
AND SEWERAGE DEPARTMENT,

Defendants and Cross-Defendants,

v.

ALL COMMUNITIES AND AGENCIES UNDER  
CONTRACT WITH THE CITY OF DETROIT FOR  
SEWAGE TREATMENT SERVICES,

v.

THE DETROIT AREA LAUNDRY POLLUTION  
CONTROL GROUP, a voluntary, non-profit,  
unincorporated association, AND  
ITS MEMBERS,

v.

THE FOOD AND ALLIED INDUSTRIES  
COMMITTEE OF METROPOLITAN DETROIT,  
a voluntary non-profit, unincorporated  
association, AND ITS MEMBERS,

Intervening Rate Challengers.

Civil Action No.  
77-71100  
Hon. John Feikens

WTUA'S LIST OF QUESTIONS  
CONCERNING THE  
DEVELOPMENT OF A  
WATERSHED ENTITY FOR  
THE ROUGE RIVER

U.S. DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION  
MAY 15 1996  
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**WTUA'S LIST OF QUESTIONS CONCERNING THE DEVELOPMENT  
OF A WATERSHED ENTITY FOR THE ROUGE RIVER**

Western Townships Utilities Authority ("WTUA") provides the following list of questions concerning the proposed plan of action for the development of a watershed entity for the Rouge River in Wayne, Oakland, and Washtenaw Counties:

**A. CONCERNS ABOUT CHAPTER 21 PETITION PROCESS:**

1. What would be the initial scope of the original Petition under Chapter 21?
2. Will the Petition be limited to matters of monitoring, modeling, planning, and certain improvement activities, such as the removal of debris, log jams, and bank stabilization?
3. What would be the duration of the initial Petition activities?
4. What would be the cost?

**B. CONCERNS ABOUT REPRESENTATIVE COMMITTEE:**

1. What will the representative committee be authorized to do?
2. What decisions would the committee make?
3. Can the committee veto actions taken by the board or augmented board? What will be the relationship between the committee or any board?
4. What amount of participation or representation on the committee would be given to each public corporation?
5. Why use Chapter 22 representation formula?
6. Who will select the representatives?

**C. DISTRIBUTION OF COSTS:**

1. How will costs be distributed under any proposed Petition?
2. What is meant by a proportionate share?
3. What is meant by a benefit?

4. How does any benefit accrue to the community?
5. Will costs be distributed solely on the amount of land mass in a basin?
6. Will costs be distributed based on water usage or population?
7. Will it be based on actual impact or contribution to conditions in the basin?
8. What factors determine what an impact or contribution is? Or when it occurs?

**D. APPEAL PROCESS:**

1. What procedures exist to object to a proposed apportionment?
2. Can an apportionment be challenged in or reviewed by a court?
3. What would be the standard and scope of review for considering any appeal or objection?

**E. LEGISLATIVE SOLUTION:**

Why not try a legislative solution for nonpoint pollution that creates a new watershed entity, avoids Headlee issues, and assures fair representation and direct taxing authority without assessments or apportionments against public corporations?

**F. CLEANUP GOALS**

1. What are the objectives of the watershed entity?
2. What performance goals are intended?
3. What cleanup goals are intended?
4. What is the basis or authority of those goals?
5. How do the current conditions compare with those goals?
6. How do we obtain report on conditions?

Respectfully submitted,

FOSTER, SWIFT, COLLINS & SMITH, P.C.  
Attorneys for Western Townships Utilities Authority

Dated: May 6, 1996

By:



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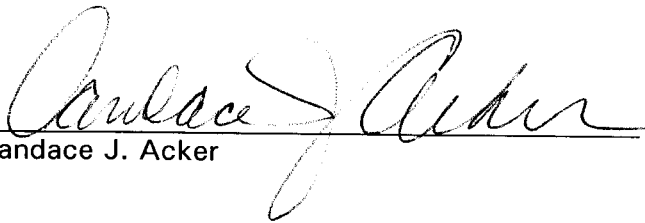
**CERTIFICATE OF SERVICE**

U.S. DISTRICT COURT  
EAST DIST. MICH.  
DETROIT  
MAY 15 11 20 AM '96

**CERTIFICATE OF SERVICE**

On this 14th day of May, 1996, I served copies of WTUA's List of Questions Concerning the Development of a Watershed Entity for the Rouge River and this proof of service upon all persons listed on the attached service list by mailing same via first class mail to their respective addresses.

I declare that the above statements are true to the best of my information, knowledge and belief.

  
Candace J. Acker

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